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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/700,172	12/28/2000	Hugo Kroiss	951/49129	2142

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EXAMINER

MCCALL, ERIC SCOTT

ART UNIT

PAPER NUMBER

2855

DATE MAILED: 05/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/700,172

Applicant(s)

KROISS ET AL.

Examiner

Eric S. McCall

Art Unit

2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 28 December 2000 is: a) ☒ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

FUEL SUPPLY SYSTEM FOR A MOTOR VEHICLE

FIRST OFFICE ACTION

INFORMATION DISCLOSURE STATEMENT

The information disclosure statement filed on Nov. 13, 2000 has been received but fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Specifically, German Patent Documents DE 37 18 068 and DE 197 23 329 do not include such a concise explanation of their relevance. Said documents were not mentioned in the Applicant's disclosure nor were said documents listed on any submitted foreign search report.

*
NO NEW
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CLAIMS

Objections

The Applicant is advised to add a comma after the word "housing" in line 2 of claims 19-21 in order to avoid any confusion in the reading of said claims.

Furthermore, the Applicant is advised to review all of the pending claims and to add the proper punctuation were needed.

35 U.S.C. § 112

Claims 9, 11-19, and 22-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

Claim 9, ✓line 2; the phrase "can be" is deemed indefinite because uncertainty exists as to whether the limitation that follows said phrase is part of the claimed subject matter;

✓line 4; the term "can" is deemed indefinite because uncertainty exists as to whether the limitation that follows said term is part of the claimed subject matter;

- * Claim 11, said claim is grammatically confusing as to the meaning thereof;
- * Claim 12, said claim is grammatically confusing as to the meaning thereof;
- * Claim 13, line 2; the phrase "on a pressure side" is indefinite as to what the phrase is
in reference to;
- ✓ Claim 14, line 2; the phrase "on a suction side" is indefinite as to what the phrase is
in reference to;
- * Claim 15, line 2; the phrase "on a pressure side" is indefinite as to what the phrase is
in reference to;
- ✓ Claim 16, line 2; the phrase "on a suction side" is indefinite as to what the phrase is
in reference to;
- ✓ Claim 18, line 3; the phrase "the motor" lacks antecedent basis;
- ✓ Claim 22, line 5; the phrase "the engine" lacks antecedent basis;
- ✓ Claim 23, line 2; the phrase "toward the pressure accumulator from the fuel filter" is
indefinite;
- ✓ Claim 24, line 2; the phrase "toward the pressure accumulator from the fuel filter" is
indefinite;
- ✓ Claim 27, line 2; the phrase "toward the pressure accumulator from the fuel filter" is
indefinite;
- ✓ Claim 28, line 2; the phrase "via fuel pipelines via a fuel filter" is confusing;
✓ line 6; the phrase "the engine" lacks antecedent basis; and

✓ Claim 28, lines 6/7; the phrase "the fuel stored in the pressure accumulator" is indefinite because the Applicant has not set forth earlier in the claim that fuel is indeed stored in the accumulator.

35 U.S.C. § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8-16 and 20-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Bucci et al. (5,647,329).

With regards to claim 8, Bucci et al. teach a fuel system for a motor vehicle with a fuel container (ie. fuel tank) from which a fuel pump (14) transports fuel via fuel pipelines from a system input location in the fuel container via a fuel filter (18) towards an engine,

wherein a deposition tank (56) is formed into a housing of the fuel filter under a filter material (92) provided in the housing into which dirt filtered out of the fuel is deposited and

wherein a pressure accumulator (26) is installed in the fuel system which accumulates and stores fuel when the engine is running and after the engine is switched off, the fuel stored in the pressure accumulator rinses the fuel filter (col. 10, lines 22-32).

With respect to claim 9, Bucci et al. suggest the claimed subject matter thereof (col. 10, lines 22-32).

With respect to claim 10, the suggestion of a non-return valve in the fuel line (24) after a branch point (96) at which a fuel line leads to the pressure accumulator (26) is inherently taught due to the fuel line being separate from a fuel return line in order to prevent fuel from returning through the fuel feed line (24) and thus the reasoning for having a fuel return line.

With respect to claims 11 and 12, Bucci et al. suggest a pressure regulator (22) as understood to be claimed.

With respect to claims 13-16, Bucci et al. suggest a fuel filter as best understood to be claimed.

With respect to claims 20 and 21, Bucci et al. teach "guide vanes" (66) as is claimed.

With respect to independent claim 22, said claim parallels that of claim 8. Thus, the Applicant's attention is directed to the above comments regarding claim 8. No further comments are deemed necessary.

With respect to claims 23-27, Bucci et al. suggest the claimed subject matter thereof.

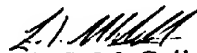
With respect to independent claim 28, said claim parallels that of claim 8. Thus, the Applicant's attention is directed to the above comments regarding claim 8. No further comments are deemed necessary.

RELEVANT ART

Applicant's attention is directed to the enclosed "PTO-892" form for the prior art made of record and not relied upon but considered pertinent to the Applicant's disclosure.

CONCLUSION

Any inquiry concerning this communication should be directed to Eric S. McCall at telephone number (703) 308-6968.


Eric S. McCall
Primary Examiner
Art Unit 2855
May 02, 2002